



UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
EASTERN DIVISION

DANNY MCDOWELL,
Petitioner,
v.
DOMINGO URIBE, Warden,
Respondent.

Case No. EDCV 12-01271 JAK (AN)

ORDER ACCEPTING THE FINDINGS
AND RECOMMENDATION OF THE
UNITED STATES MAGISTRATE JUDGE

Pursuant to 28 U.S.C. § 636, the Court has reviewed the file, including the Magistrate Judge's Report and Recommendation ("R&R") and Petitioner's Objections [8]. Further, the Court has completed a *de novo* review of those portions of the R&R to which Petitioner has objected.

IT IS ORDERED that:

1. The Objections are overruled. For the reasons reported in the R&R, and despite Petitioner's arguments to the contrary, there is nothing in the record that can be considered "newly discovered." 28 U.S.C. § 2244(b)(2)(B)(i). The Court's thorough review of Petitioner's allegations and evidence establishes the pending Petition does not "meet[] the statutory requirements for the filing of a second or successive [petition]." *United States v. Villa-Gonzalez*, 208 F.3d 1160, 1165 (9th Cir. 2000).

1 2. The Court accepts the findings and recommendation of the R&R.

2 3. Judgment shall be entered dismissing this action for lack of jurisdiction
3 because the pending Petition constitutes a successive petition that is not authorized
4 under 28 U.S.C. § 2244(b).

5 4. All motions are denied as moot and terminated.

6 IT IS FURTHER ORDERED that the clerk of the Court shall serve a copy of this
7 Order and the Judgment on all counsel or parties of record.

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10 Dated: January 2, 2013



JOHN A. KRONSTADT
UNITED STATES DISTRICT JUDGE